

Chapter 5.60**BINGO****Sections:**

5.60.010	Statutory authority.
5.60.020	Definitions.
5.60.030	License--Required.
5.60.040	License--Application--Contents.
5.60.050	License--Application--Investigation.
5.60.060	License--Term--Fees.
5.60.070	License--Nontransferable.
5.60.080	Denial of application--Suspension or revocation of license.
5.60.090	Appeals.
5.60.100	Restrictions on games.
5.60.110	Inspections--Audit.
5.60.120	Special security.
5.60.130	Violation--Penalties.
5.60.140	Other remedies.

Section 5.60.010 Statutory authority.

The authority for this chapter is contained in Section 19 of Article IV of the California Constitution and Section 326.5 of the Penal Code of the State. (Ord. 4444 § 3, 1977)

Section 5.60.020 Definitions.

Whenever in this chapter the following terms are used, they shall have the meanings respectively ascribed to them in this section:

"Bingo" means a game of chance in which prizes are awarded on the basis of designated numbers or symbols on a card which conform to numbers or symbols selected at random. The random selection shall be conducted on the premises maintained by the licensee after the distribution of the bingo cards to participants of each bingo game. The game of bingo shall not include cards having numbers or symbols which are concealed and preprinted in a manner providing for distribution of prizes.

"Minor" means any person under the age of eighteen years. (Ord. 4805 § 1, 1980; Ord. 4444 § 2, 1977)

Section 5.60.030 License--Required.

A. It is unlawful for any organization to conduct any bingo game in the City unless such organization is an organization permitted to play bingo pursuant to the provisions of section 326.5 of the Penal Code of the State and has a valid City license issued pursuant to the provisions of this chapter.

B. It is unlawful for any person to conduct any bingo games in the City unless such person is a member of and is acting on behalf of an organization that has been issued a license as provided by this chapter. (Ord. 4444 § 4, 1977)

Section 5.60.040 License--Application--Contents.

Applications for a license or renewal thereof shall be filed with the Office of the Finance

Director of the City on forms prescribed by the City Manager and shall be signed under penalty of perjury. Such applications shall be filed:

A. Not less than thirty days prior to the proposed date of the bingo game or games; and
B. Not later than thirty days after obtaining written verification from the Planning Department of the City that there is improved vehicular access to the premises wherein a bingo game is to be conducted, and that such premises contain off-street vehicle parking facilities on the basis of not less than one parking space for every thirty square feet of floor area within the assembly room wherein the bingo game is to be conducted; and that zoning and building code laws of the City would not be violated;

C. All applications and renewals shall include the names, addresses and identity of all persons conducting any bingo game and no other person shall engage in the conduct of said game;

D. All applications and renewals shall include the hours and days of play. (Ord. 5912 § 1, 1991; Ord. 4503 § 1, 1978; Ord. 4444 § 5, 1977)

Section 5.60.050 License--Application--Investigation.

Upon receipt of an application for a license, along with the appropriate fee, the Finance Director and/or Police Chief shall investigate the truth of the matters set forth in the application and the character of the applicant, and may examine the premises to be used for the bingo game or games.

The Finance Director and Police Chief may make inquiries to any office or department of the City, and to any State and federal agencies which are deemed essential in order to carry out a proper investigation of applicant and the organization and to ensure that the applicant could comply with all regulatory ordinances of the City and State.

Upon approval of any application for a bingo license, the Finance Director shall issue the license. (Ord. 4444 § 7, 1977)

Section 5.60.060 License--Term--Fees.

The term of a bingo license is one year and may be renewed for a period of one year any time within one month from its date of expiration upon application therefor; no bingo games may be conducted after the expiration date unless the license has been renewed; renewal after the one-month grace period will be treated as a new application and the applicant will be charged the fee set by resolution for a new application; and no licensee shall conduct more than two bingo events at any one location in the City during any seven-day period, with each seven-day period beginning with a Sunday and ending with a Saturday. The fees for bingo application and license renewal shall be set by resolution of the City Council. (Ord. 6344 § 1, 1997; Ord. 5912 § 2, 1991; Ord. 4805 § 2, 1980; Ord. 4444 § 6, 1977)

Section 5.60.070 License--Nontransferable.

Each license issued under this chapter shall be issued to a specified organization to conduct a bingo game at a specific location or specific locations and shall in no event be transferable from one organization to another nor from one location to another unless such location is approved by the Finance Director. (Ord. 4444 § 8, 1977)

Section 5.60.080 Denial of application--Suspension or revocation of license.

A. The Police Chief or Finance Director, subject to approval of the City Manager, may deny an application for a bingo license, or suspend or revoke a license, if he finds that the applicant or licensee or any agent or representative thereof has:

1. Knowingly made any false, misleading or fraudulent Statement of a material fact in

the application or in any record or report required to be filed under this chapter; or

2. Violated any of the provisions or failed to comply with any of the requirements of this chapter;

3. Been convicted of or has pled guilty or nolo contendere to any violation of the provisions of this chapter or any other law or ordinance related to theft, fraud, perjury, narcotics or other restricted drugs within the last five years.

B. If, after an investigation, the Finance Director or Police Chief determines that a bingo license should be suspended or revoked or that an application for such license be denied, he or she shall prepare a notice of suspension or revocation of license or denial of application setting forth the reasons for such suspension, revocation or denial. Such notice shall be served personally on the licensee or applicant, or sent by registered or certified mail, postage prepaid, return receipt requested, to the licensee's or applicant's last address as provided in the application. (Ord. 5912 § 3, 1991; Ord. 4444 § 12 (part), 1977)

Section 5.60.090 Appeals.

Any person who has had an application for a bingo license denied, or who has had a bingo license suspended or revoked, may appeal the decision by filing with the City Clerk, within fifteen days after the date of such decision, a written notice of appeal briefly setting forth the reasons why such denial, suspension or revocation is not proper. The City Clerk shall give written notice of the time and place of the hearing to the appellant.

Such appeal shall be heard by the City Council which may affirm, amend or reverse the decision or take such other action as it deems appropriate. In conducting the hearing, the City Council shall not be limited by the technical rules of evidence. (Ord. 4444 § 12 (part), 1977)

Section 5.60.100 Restrictions on games.

A. An organization authorized to conduct a bingo game shall conduct such bingo game only on property owned or leased by it, or property whose use is donated to the organization, and which property is used by such organization for an office or for the performance of the purposes for which the organization is organized. Nothing in this subsection shall be construed to require that the property owned or leased by or whose use is donated to the organization be used or leased exclusively by or donated exclusively to such organization.

B. No minors shall be allowed to participate in any bingo game.

C. All bingo games shall be open to the public, not just to the members of the authorized organization.

D. A bingo game shall be operated and staffed only by members of the organization which organized it. Only the organization authorized to conduct a bingo game shall operate such a game or participate in the promotion, supervision or any other phase of such game. Nothing in this subsection shall preclude the employment of security personnel who are not members of the authorized organization of such bingo game by the organization conducting the game. The organization shall immediately notify the Finance Director of the City when a person listed on its application ceases to be a member of the organization.

E. No person shall receive a profit, wage or salary from any bingo game; and no person who physically operates or conducts in any manner a bingo game shall be allowed to participate in the playing of that game.

F. No individual, corporation, partnership or other legal entity except the organization authorized to conduct a game shall hold a financial interest in the conduct of such bingo game.

G. With respect to organizations exempt from payment of the bank and corporation tax by Section 23701d of the Revenue and Taxation Code, all profits derived from a bingo game shall be kept in a special fund or account and shall not be commingled with any other fund or account. Such profits shall be used only for charitable purposes.

H. With respect to other organizations authorized to conduct bingo games pursuant to Section 326.5 of the Penal Code of the State, all proceeds derived from a bingo game shall be kept in a special fund or account and shall not be commingled with any other fund or account. Proceeds are the receipts of bingo games conducted by organizations not within subsection G. Such proceeds shall be used only for charitable purposes, except as follows:

1. Such proceeds may be used for prizes;
2. A portion of such proceeds, not to exceed twenty percent of the proceeds before the deduction for prizes, or two thousand dollars per month, whichever is less, may be used for rental of property, overhead, including the purchase of bingo equipment, administrative expenses, security equipment and security personnel;
3. Such proceeds may be used to pay license fees. On or before the fifteenth calendar day of the month following the month in which a bingo game or games are conducted, the applicant shall file with the Finance Director of the City a full and complete financial Statement of all money collected, disbursed, and the amount remaining for charitable purposes. Failure to file a financial Statement within the time prescribed may result in suspension of the bingo license as provided for in Section 5.60.080.

I. No persons shall be allowed to participate in a bingo game unless the person is physically present at the time and place in which the bingo game is being conducted.

J. The total value of prizes awarded during the conduct of any bingo games shall not exceed two hundred fifty dollars in cash or kind, or both, for each separate game which is held.

K. No bingo game shall be conducted between the hours of midnight and eight a.m.

L. No bingo game shall be conducted for more than four hours at a time.

M. The hours and days of play shall not be changed without providing the Finance Director and Police Chief with seventy-two hours' notice in writing. (Ord. 6142 § 1, 1994; Ord. 5912 §§ 4, 5, 1991; Ord. 4980 §§ 1, 2, 3, 4, 1982; Ord. 4805 §§ 3, 4, 1980; Ord. 4444 § 9, 1977)

Section 5.60.110 Inspections--Audit.

Any peace officer of the City or license inspector of the City shall have free access to any bingo game licensed under this chapter, and at any reasonable time during the operation of the event and thereafter may inspect any and all records, documents and paraphernalia. The licensee shall have the bingo license and lists of approved staff available for inspection at all times during any bingo event.

The licensee shall keep full and complete accounting records supported by properly executed contracts, leases, receipts and other related documents which pertain to all moneys; or other forms of income, collected in connection with the conduct of any of its bingo games, disbursed for expenditures in connection therewith and remaining or distributed for charitable purposes. Such records shall be clearly identified and readily accessible. Officials of the City shall have the right to examine and audit such records at any reasonable time, and the licensee shall fully cooperate with such officials by making such records available. (Ord. 4805 § 5, 1980; Ord. 4444 § 10, 1977)

Section 5.60.120 Special security.

The provisions of Chapter 2.28 of this code pertaining to special security shall remain in full force and effect with respect to bingo events. (Ord. 4444 § 11, 1977)

Section 5.60.130 Violation--Penalties.

A. Any person violating any of the provisions or failing to comply with any of the requirements of this chapter shall be guilty of a misdemeanor punishable as set forth in Section 1.01.110.

B. Notwithstanding provisions of Subsection A of this section, any violation of Subsection E of Section 5.60.100 shall be a misdemeanor, punishable by a fine not to exceed ten thousand dollars. Such fine shall be deposited in the general fund of the City in accordance with Section 326.5 of the Penal Code of the State.

C. All sanctions provided in this chapter shall be cumulative and not exclusive. (Ord. 5258 § 7, 1985; Ord. 4444 § 13, 1977)

Section 5.60.140 Other remedies.

The provisions of Section 5.60.130 are to be construed as added remedies and not in conflict or derogation of any other actions or proceedings or remedies otherwise provided by law. (Ord. 4444 § 14, 1977)